

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN BROWN,

Petitioner,

Case No. 24-cv-11584
Hon. Matthew F. Leitman

v.

RANDEE REWERTS,

Respondent.

**ORDER TERMINATING PETITIONER'S MOTION FOR
PRELIMINARY CONSIDERATION (ECF NO. 10) AS MOOT**

Petitioner John Brown is a state inmate in the custody of the Michigan Department of Corrections. In 2024, Brown filed a petition for a writ of habeas corpus in this Court. (*See Pet.*, ECF No. 1.) The Court subsequently stayed this action so that Brown could return to state court and file a motion for relief from judgment in that court to exhaust a claim that he had not previously exhausted. (*See Order*, ECF No. 6.)

Now pending before the Court is Brown's "Motion for Preliminary Consideration." (Mot., ECF No. 10.) The motion appears to be directed to the state court, not this Court. For example, the motion includes the caption of Brown's state-court action, the name of the state-court judge presiding over that action, and it seeks relief under the Michigan Court Rules. (*See id.*) In the motion, Brown asks the state

court to require the state-court prosecutor to respond to his motion for relief from judgment. (*See id.*)

In any event, the motion now appears to be moot. Brown has since reported to this Court that the state trial court has denied his motion for relief from judgment and that he is now pursuing an appeal of that denial in the Michigan Court of Appeals. (*See Resp.*, ECF No. 11.) Thus, to the extent that Brown was seeking any relief from this Court in his motion for preliminary consideration, that motion is now moot. The Court therefore **TERMINATES** the motion without prejudice.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: June 10, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 10, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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